511. The above provisions are aimed at impeding the establishment or survival of any association formed to promote or foster racial discrimination in breach of the Constitution and public order, and they also ensure that associations may not adopt decisions designed to promote racial discrimination.

512. In addition to the foregoing, any decision or measure adopted by any body that encourages, incites or is based on racial discrimination or distinction, regardless of the legal statutes of such body, shall be deemed to infringe the Constitution and the provisions of the Covenant, since whatever is prohibited under the Covenant as a law of the land equally applies to all bodies. Any person who suffers detriment as a result of a decision adopted in breach of this principle is entitled to seek appropriate legal redress in order to bring a halt to the infraction and to claim compensation for the damage in the manner described in section 4, part I of this report.

Judicial applications

513. In the context of efforts to combat the acts of terrorism and terrorist activities to which so many citizens and foreigners have fallen victim in Egypt and, in conformity with constitutional and legal provisions upholding the principle of the sovereignty of the law as well as other provisions of criminal law, the above-mentioned penal provisions have been enforced against extremist terrorist groups that violate the rights and freedoms of others in an attempt to forcibly impose their extremist ideology on the different sections of society. The courts have handed down numerous verdicts imposing the legally prescribed criminal penalties for these offences.

Article 21

514. The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

515. Article 54 of the Constitution stipulates that citizens have the right of peaceful private assembly, in which weapons must not be carried, without the need for prior notification. Security officials are not permitted to attend these private gatherings. Public assemblies, processions and gatherings are permitted within the limits prescribed by law.

516. The Public Assembly Act No. 14 of 1923 regulates the exercise of this right in the terms described below:

(a) Article 1 of the Act stipulates that public gatherings are permitted in the manner prescribed by law. Articles 2-9 stipulate that the security authorities must be given three days' prior notice of public gatherings, demonstrations and processions in the manner and the form prescribed by law. They can be banned if the local governor or police feel that they will lead to disturbance of public order or public security due to their underlying purpose, their timing or location or any other significant reason. An appeal against such a ban may be lodged with the Minister of Interior;

(b) Decisions issued in connection herewith are regarded as administrative decisions which may be challenged before the administrative courts under the terms of a petition for their annulment or compensation, where applicable.

Article 22

517. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

518. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

519. Nothing in this article shall authorize States parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Paragraph 1

520. The Egyptian Constitution recognizes the right to establish associations and trade unions, in its articles 55 and 56, which provide as follows:

(a) Citizens have the right to establish associations in the manner specified by law. It is not permissible to form associations, the activities of which are inimical to social order or are secret or military in nature (art. 55);

(b) The establishment of trade unions and federations on a democratic basis is a right guaranteed by law. They shall enjoy corporate personality (art. 56).

521. The law regulates the participation of trade unions and federations in the implementation of social plans and programmes, the improvements of standards of efficiency among their members and the protection of their assets.

522. Trade unions have an obligation to call their members to account for their behaviour during the exercise of their activities, in accordance with moral codes of honour, and to defend the legally recognized rights and freedoms of their members.

523. The right to form private associations is regulated under Act No. 32 of 1964 and the right to form trade unions and federations under Act No. 25 of 1979. Their provisions are detailed here below.

Act No. 32 of 1964, concerning private associations and foundations

524. The right to establish association is regulated under this Act, which stipulates that citizens enjoy the freedom to form associations in order to pursue activities on a not-for-profit basis. According to the Act, it is forbidden to establish associations that undermine public order or morals or the aims of which are unlawful or inimical to the State or social harmony. The procedures and methods for founding an association and the reasons for its dissolution are also laid down in the Act.

525. The private sector plays an important and prominent role in the social and voluntary spheres in Egypt and in the domains of science, culture, health care and support for older persons, children, orphans and widows. Not only does it help to promote awareness of human rights and fundamental freedoms, it also contributes to the expansion of income-generating micro-projects.

526. Through the Ministry of Social Affairs, the State supports the role of private associations in various spheres with a view to strengthening the role of the voluntary sector in such a way as to increase the benefits for society and expand the tremendous range of services that the sector offers to citizens. Following the promulgation of Act No. 32 of 1964, the number of local associations rose to approximately 15,000 associations, operating in all spheres of activity.

The Trade Union Act No. 35 of 1976

527. The Act provides for the regulation of trade unions and federations in the following manner.

Trade unions

528. The provisions of the Act apply to all employees of the civil service, local government authorities, public bodies, the public, private and cooperative sectors or the business management, investment and joint sectors, including agricultural workers and domestic servants (art. 2).

529. The Act defines the aims of trade unions as being to protect the legitimate rights of their members, enhance their conditions and terms of employment and improve the trade-unionist, occupational, health, social and economic standards of members and their families and participation in the implementation of development plans and international programmes (art. 8). The Act also provides for the establishment of savings and scholarship funds, cooperative societies and sports clubs.

530. Trade unions must be structured in the form of a pyramid, consisting of the trade-union committee in the enterprise or occupation, the national trade union and the trade union federation (art. 7). The trade-union officials at these different levels must be freely elected (art. 32).

531. The Act places no restrictions on trade-union activity other than the obligation to comply with the provisions of the law, to refrain from taking decisions or engaging in acts which constitute legally designated offences, such as incitement to hatred, contempt for or subversion

of the system of government, unauthorized absence from work, the use of force, violence, terrorism or threats, the infringement of the rights of others to work and to employ or to refrain from employing any person or to join an association (art. 70). These restrictions are necessary in order to protect national security, public order (*ordre public*) and the rights of others.

532. The Act recognizes the right to engage in full-time trade-union activity and prohibits the dismissal or suspension of a worker who is a member of a trade-union executive other than under the terms of a court order (arts. 45 and 48).

Federations

533. Under the Act, workers employed in similar interrelated occupation or industrial groups may form a single countrywide trade union, provided that it confines its activities to the occupations or industries which it covers (art. 13). The Act recognizes the right of all general trade unions to jointly constitute the Trade Union Confederation, which is the apex of the trade-union system.

534. The trade-union structures are made up of general congresses and executives. The congress, in which all the trade-union members are represented, selects the members of the executive and the congress of the Confederation, consisting of representatives of the general unions elected by their executives, elects the executive of the Confederation (arts. 30-38).

535. In this connection, the Labour Act No. 137 of 1981 (chap. IV, sect. III, arts. 93-106) prescribes a special procedure for amicable settlement and arbitration in collective labour disputes, beginning with a process of collective negotiation. If no agreement is reached or the agreement is rejected by one of the parties, the matter may be referred to the local committees or the Central Council for the Settlement of Disputes at the request of either party. If no agreement is reached within a specified period of time, the dispute must be referred to an arbitration body consisting of a division of a court of appeal sitting in the presence of a representative of the Ministry of Manpower and the Ministry concerned.

536. It is worth noting that a unified labour code has been drafted, regulating, inter alia, the right to strike. In addition, numerous laws have been enacted pertaining to the representation of lawyers, medical professionals, engineers, musicians, visual artists and experts in the social and commercial domains.

Judicial applications

537. In discharging its responsibilities for ensuring the constitutionality of legislative enactments, which represents the principal legal safeguard against the infringement of constitutional guarantees by the legislature, the Supreme Constitutional Court has handed down the following rulings in cases brought before it:

(a) The Court ruled that some of the provisions of the Bar Association Act No. 125 of 1981 were unconstitutional on the grounds that they permitted the removal from office of the president and members of the executive of the Association before the expiration of the term for which they were without reference elected by the electoral body and without the approval of the

electoral body consisting in the General Assembly of the Association, thereby annulling their election in violation of the principle of trade-union freedom recognized in article 56 of the Constitution, which stipulates the right to establish trade unions and federations on a democratic basis (Constitutional Case No. 47, judicial year 3, session of 11 June 1983);

(b) The Supreme Constitutional Court ruled that the first paragraph of article 38 of Act No. 35 of 1976 was unconstitutional on the ground that it violated the principles of freedom of expression and association, the right to stand for and to vote in elections and the principle of equality before the law, by stipulating that no more than 20 per cent of the members of a trade-union executive may simultaneously serve as members of a professional association (Constitutional Case No. 6, judicial year 15, session of 15 April 1995).

538. **Statistical indicators**

Workforce as a proportion of the population	35.4 per cent
Number of trade-union organizations in Egypt	1 621
Number of elected members of their executives	120 514
Number of members of congresses	3 207 137

Egypt has acceded to approximately 118 International Labour Organization Conventions as well as the Arab Labour Conventions.

Paragraph 2

539. The above-mentioned legislation imposes no restrictions other than those which are prescribed by the Covenant in this regard. Such restrictions as the Covenant imposes are regarded as forming part of prevailing Egyptian law.

Paragraph 3

540. Trade-union laws do not contain any restrictions that would prejudice the guarantees established pursuant to the provisions of the Covenant.

Article 23

541. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

542. The right of men and women of marriageable age to marry and to found a family shall be recognized.

543. No marriage shall be entered into without the free and full consent of the intending spouses.

544. States parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Paragraph 1

545. The family has long enjoyed an elevated status in Egyptian society based on numerous historical and religious considerations which have left their mark on many of the values, traditions and customs which characterize Egyptian society and which, on the whole, are conducive to the preservation and cohesion of the family so that it can continue to fulfil its social function and discharge its responsibilities towards the young in such a way as to ensure their social development in a peaceful, calm and stable environment. This was the basic starting point taken by the drafters of the Egyptian Constitution when formulating the provisions found below:

(a) "The family, which is rooted in religion, morality and patriotism is the cornerstone of society. The State shall endeavour to preserve the authentic character of the Egyptian family, with all the values and traditions that it embodies, and to consolidate and develop this character in relations within Egyptian society" (art. 9);

(b) "The State undertakes to protect mothers and children, to cater for the welfare of the rising generation and youth and to create appropriate conditions for the development of their talents" (art. 10);

(c) "The State undertakes to reconcile the duties of women towards their families with their work outside the home on the basis of their equality with men in the political, social, cultural and economic spheres of life, without prejudice to the provisions of the Islamic Shariah" (art. 11).

546. In accordance with these constitutional principles and with the relevant international instruments to which Egypt has acceded, the Egyptian legislature has promulgated numerous enactments for the regulation and protection of family-related rights and interests. These enactments include the following:

(a) Article 34 of the Civil Code (Act No. 131 of 1948) defines a person's family as his or her kin who are linked by a common origin. Article 35 defines two degrees of kinship: namely direct kinship between ascendants and descendants, and collateral (indirect) kinship between persons linked by a common origin. Article 37 stipulates that a person's relatives are deemed to have the same degree of kinship with the person's spouse;

(b) Article 286 of the Code of Criminal Procedure (Act No. 150 of 1950) provides that an accused person's ascendants, descendants and relations by blood or marriage to the second degree, including his spouse, even if divorced, have the right to refuse to testify against him in order to preserve their family ties;

(c) The Income Tax Act No. 157 of 1981, as amended by Act No. 187 of 1993 concerning uniform taxation, raised the tax exemption ceiling for a person with a dependent spouse from LE 1,440 to LE 1,680 per annum. It also raised the exemption ceiling for a married person with young children to LE 1,920 per annum. The exemption applies to dependent children up to the age of 28, if they are pursuing studies at any educational level. It also applies, without a time limit, to a dependent child suffering from a disability that prevents him or her from earning a living and to an unmarried or non-working female child;

(d) The Social Insurance Act No. 79 of 1975 designates the persons entitled to a pension in the event of the death of the insured person as his spouse, widow, divorced spouse, sons, daughters, parents, brothers and sisters (art. 104). This also applies to the special categories covered by other insurance legislation;

(e) Article 6 of Egyptian Nationality Act No. 26 of 1975, stipulates that a wife may acquire Egyptian nationality, at her request, if her husband acquires it or is an Egyptian. Article 11 further stipulates that a woman does not forfeit her Egyptian nationality if it is withdrawn from her husband, unless she wishes to do so and the law of her husband's country permits her to retain her nationality.

547. Under article 12 of the Act an Egyptian woman who marries a foreigner remains Egyptian unless she wishes to acquire her husband's nationality and is permitted to do so under the law of nationality of her husband's country. This provision also applies to minor children in order to guarantee family reunification in keeping with international standards and the principles embodied in the Egyptian Constitution.

The protection of mothers and children

548. Egyptian law provides protection for women during and after pregnancy in keeping with the aforementioned constitutional principles aimed at protecting the family and ensuring its survival by providing protection for mothers and children. Some of the principles adopted by the Egyptian legislature in this connection are reviewed in detail below.

The Code of Criminal Procedure (Act No. 137 of 1950)

549. Under article 485 of the Code, a custodial sentence handed down against a woman in her sixth month of pregnancy may be deferred until two months after delivery. If a woman is found to be pregnant while serving her sentence, she is accorded special treatment throughout the period prior to her delivery.

550. If both a man and his wife are sentenced to a term of not more than one year's imprisonment, enforcement of the sentence imposed on one of them may be deferred until the other is released if they are supporting a child under 15 years of age.

551. Article 476 of the Code stipulates that a death sentence imposed on a pregnant woman must be deferred until two months after her delivery.

552. Under the Prisons Act No. 396 of 1956, a female prisoner is permitted to keep her child with her until the child reaches the age of two unless she does not wish to do so. Otherwise, the child may be placed in the custody of the father or a relative or, in the absence of any relatives, of a specialized institution, provided that she is permitted to visit the child at periodic intervals (art. 20).

The Personal Status Code (Act No. 25 of 1929)

553. Article 20 of the Personal Status Code stipulates that a woman has custody of her children until the age of 10 in the case of boys and 12 in the case of girls. This period of custody may be extended to the age of 15 in the case of boys and until marriage in the case of girls, if the judge finds that such would be in their interests.

554. Under article 18 bis (ii), a father has an obligation to maintain his young children if the latter have no money of their own. In the case of girls, this obligation continues until marriage or until such time as they become self-supporting and, in the case of boys, until they reach the age of 15 and are able to earn a living. The amount of maintenance that the father must pay is determined in such a way as to ensure that the children enjoy an appropriate standard of living.

Act No. 47 of 1978, regulating the status of State employees, and Act No. 48 of 1978, regulating the status of public sector employees

555. Under the terms of both of the above Acts women are accorded the following rights:

(a) The right to three months' maternity leave on full pay on three occasions during a woman's working life. (This constitutes special leave on full pay and is not regarded as part of statutory leave);

(b) The right to take two years' unpaid leave for the purpose of child rearing, on three occasions during a woman's working life;

(c) The employer has the right to permit a woman to work half-time on half pay, at her request;

(d) A husband or wife has the right to take unpaid leave to accompany his or her spouse if he or she is assigned abroad.

The Labour Act No. 137 of 1981

556. The articles of this Act contain the following provisions:

(a) A woman is entitled to 50 days' maternity leave on full pay on three occasions during her working life and must not be required to work during the 40 days following her delivery (art. 154);

(b) During the eight months following the date of delivery, a working woman is entitled to take two rest breaks per day of no less than half an hour in each case to breastfeed a child. These breaks are regarded as part of her working hours and do not entail any reduction in salary (art. 155).

The Children's Act No. 10 of 1996

557. The Children's Act provided for the following:

(a) The duration of maternity leave was standardized by stipulating that women working for the Government, public or private sectors are entitled to three months' maternity leave on full pay after their delivery on three occasions during their period of service (art. 70);

(b) In addition to statutory leave, women are entitled to take breaks for the purpose of breastfeeding during the two years following the date of delivery (art. 71);

(c) A woman is entitled to two years' leave without pay on three occasions during her working life to look after her children. This right is enjoyed by women working in the private sector in an enterprise employing more than 50 persons. The employer has an obligation either to pay social security contributions due in respect of the female worker throughout that period of leave or, if she prefers, to pay her 25 per cent of the salary that she would have earned on the date of the commencement of the leave (arts. 72 and 73);

(d) A parent or guardian has an obligation to immunize his children against contagious diseases. Any guardian who fails to do so is liable to a fine (arts. 25 and 26).

558. These legislative measures are designed to ensure that the family is accorded the legislative protection required for its formation and preservation and that young children do not suffer as a result of the dissolution of their parents' marriage.

Paragraphs 2 and 3

559. In accordance with the Regulation issued by the Minister of Justice in 1955, concerning the officials authorized to solemnize the conclusion of marriage contracts, the minimum legal age for marriage is 16 for women and 18 for men. Marriage is regarded as a consensual contract requiring the full consent of both parties. The registrars appointed to solemnize marriages between non-Muslims are also bound by the same provision.

Paragraph 4

560. In the Egyptian legal system, the marriage bond and the effects to which it gives rise, both during marriage and upon its dissolution are classified as a matter of personal status which is regulated on the basis of respect for religious freedom and for the sacred beliefs of the parties involved in the marriage bond.

561. It is noteworthy that the Supreme Constitutional Court has ruled it unconstitutional to distinguish between Muslims and Orthodox Copts in respect of the age at which a child may be placed in the custody of either parent, unless Christian law provides otherwise (ruling handed down in Constitutional Case No. 74, judicial year 17, hearing of 1 March 1977).

Article 24

562. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

563. Every child shall be registered immediately after birth and shall have a name.

564. Every child has the right to acquire a nationality.

Paragraph 1

565. The principle that children are entitled to protection and that provision must be made for the welfare of the rising generation and youth is embodied in article 10 of the Constitution, which stipulates that the State must undertake to provide appropriate conditions for the development of children's talents.

566. Following Egypt's accession to the Convention on the Rights of the Child the legislature enacted a special law on children covering, in an integrated manner, all aspects of health, social, cultural and educational welfare and rights of children as well as the status of children under criminal law.

567. In this section, we will consider the age of childhood as defined in Egyptian law, the provisions concerning their criminal responsibility and, finally, other aspects of their protection and legislative measures taken in this regard.

The age of childhood

568. The Children's Act No. 12 of 1996 defines the child, for whose welfare it intends to cater, as meaning any person under the age of 18.

569. Egyptian legislation defines the legal capacity and criminal and civil responsibility of children and their consequent eligibility to marry, engage in commerce and take up employment in the following manner.

1. Criminal responsibility

570. The Children's Act No. 12 of 1996 defines the criminal responsibility of children as follows:

(a) No child under the age of seven shall bear criminal responsibility (art. 94);

(b) Children over 7 but under 15 years of age are subject to reformative and preventive measures, but not to penalties or measures of precautionary detention;

(c) Under the provisions of the Code of Criminal Procedure, testimony can be heard from a person over the age of 14 after he or she has taken the oath and from persons under that age without taking the oath (art. 283);

(d) Children over the age of 15 bear criminal responsibility for their acts, but those in the 15 to 18 age group shall not be liable to certain penalties, such as the death penalty and perpetual or short-term hard labour (arts. 111 and 112).

2. Civil and commercial capacity

571. Both the Civil and Commercial Codes set the age of majority at 21 years. However, article 57 of Act No. 119 of 1952, concerning guardianship of property, permits a person to engage in commerce on reaching the age of 18.

3. Capacity for marriage

572. In accordance with the provisions of the Regulation issued by the Minister of Justice on 10 January 1955, concerning officials authorized to conclude contracts of marriage, the minimum legal age for marriage is 18 for men and 16 for women in the case of Muslims. The Regulation issued on 29 December 1995 governing registrars appointed to solemnize marriages between non-Muslims contains a similar provision.

4. Capacity for employment

573. The Children's Act No. 12 of 1996 prohibits the employment or training of children under the age of 12. It permits the employment of children in the age group 12-14 years in seasonal work which is not prejudicial to their development, health or regular attendance at school at the discretion of the competent Governor and subject to approval by the Minister of Education (art. 14). It also specifies the working hours and rest periods which must be observed in these cases.

5. Capacity to exercise political rights

574. Act No. 73 of 1956, concerning the exercise of political rights, sets the minimum age for this purpose at 18 years and defines political rights as the expression of an opinion in referendums and the right to elect members of the People's Assembly.

6. Capacity for military and national service

575. The Military and National Service Act No. 127 of 1980 sets 18 years as the minimum age for compulsory military service in the case of men and for national service in the case of both men and women.

Capacity for trade-union membership

576. The Trade Unions Act No. 35 of 1976 sets 15 years as the minimum legal age for membership of a trade-union organization.

Legal protection of children

577. In this section, we shall review the special protection afforded to children under the Egyptian Penal Code, the Children's Act, the Suppression of Prostitution Act and a number of other legislative enactments such as the Civil Status Act, the Education Act and the Labour Code, which designate various offences against children as criminal offences. These offences are described in detail below.

578. **The Penal Code (Act. No. 58 of 1937)**

(a) The rape of a woman. The penalty is increased to life imprisonment at hard labour if the assailant is an ascendant, guardian or person having authority over the victim (art. 267);

(b) Actual or attempted indecent assault, using force or threats. The penalty therefor is increased to a term of imprisonment with hard labour if the victim is under 16 years of age or the assailant is in one of the categories referred to in the preceding paragraph. If both conditions pertain, the penalty is life imprisonment at hard labour (art. 268);

(c) Indecent assault against a person under 18 years of age but without using force or threats. The legally prescribed penalty for this is a term of imprisonment, which is increased to imprisonment with hard labour if the victim was under 7 years of age or the offender was in one of the categories referred to in the preceding paragraphs;

(d) A penalty of imprisonment is prescribed for anyone who abducts, conceals, substitutes or falsifies the parentage of a newborn child (art. 283);

(e) The legally prescribed penalty for failure to deliver a child into the custody of the person entitled thereto is a term of imprisonment or a fine (art. 284);

(f) The legally prescribed penalty for exposing a child under the age of 7 to danger by abandoning him or her in a deserted place is a term of imprisonment (art. 285). If the child suffers an infirmity or dies as a result, the offender is liable to the penalties prescribed for those criminal acts (art. 286);

(g) The legally prescribed penalty for exposing a child under the age of 7 to danger by abandoning him or her in a public place is a term of imprisonment or a fine (art. 287);

(h) The legally prescribed penalty for the abduction of a child under 16 years of age through deception or force is a term of imprisonment with hard labour. If the abduction was effected without deception or force, the penalty is a term of imprisonment or, if the victim was female, a term of imprisonment with hard labour (arts. 288 and 289);

(i) The legally prescribed penalty for parents or grandparents who fail to deliver a child into the custody or care of the person entitled thereto under the terms of a court order, or who abduct the child from the person entitled to exercise that right of custody, is a term of imprisonment or a fine (art. 292).

The Suppression of Prostitution Act No. 10 of 1961

579. (a) Incitement or enticement to engage in prostitution or other indecent acts, or aiding and abetting therein, is punishable by a term of one to three years' imprisonment, together with a fine, and the amount of the fine and the length of the term of imprisonment are increased if the offence was committed against a person under 21 years of age or if it was committed through coercion, threats, deception or abuse of authority (arts. 1 and 2);

(b) Anyone who incites or assists a person to enter or leave the country, or who employs or accompanies such person, for the purpose of engagement in prostitution or other indecent acts is liable to a penalty of one to five years' imprisonment, together with a fine, and the maximum term of imprisonment is increased to seven years if the offence was committed against two or more persons or through the use of coercion or threats (arts. 3 and 5). If any of the offences referred to in the preceding paragraph is committed against a person under 16 years of age, or if the offender is an ascendant of the victim, the penalty is a term of three to seven years' imprisonment (art. 4);

(c) Anyone who exploits the immorality of any person or helps a female to engage in prostitution is liable to a penalty of six months' to three years' imprisonment, which is increased to a term of one to five years' imprisonment if the offence involves the aggravating circumstances referred to in the preceding paragraph (art. 6);

(d) Anyone who opens, manages, leases or makes available premises to be used for prostitution or other immoral purposes or for habitual engagement in prostitution or other immoral acts, is liable to a term of three months' to three years' imprisonment and/or a fine and closure of the premises. The penalty is increased to a term of two to four years' imprisonment if the offender is an ascendant or responsible for the upbringing of the person engaging in prostitution or other immoral acts (arts. 8, 9 and 10);

(e) Anyone operating or managing a public establishment or place of entertainment who employs persons engaged in prostitution with a view to facilitating their engagement therein or exploiting them in order to promote his establishment is liable to a term of up to two years' imprisonment, a fine and closure of the establishment for a period of three months and this penalty is increased, with permanent closure of the establishment, if the offender is an ascendant or responsible for the upbringing of, or in a position of authority over, the person engaging in prostitution (art. 11);

The Narcotic Drugs Act No. 182 of 1960

580. Severe penalties are prescribed for narcotic drug offences in the following circumstances:

(a) If the offender uses for the commission of any of these criminal acts a person under 21 years of age, any of his ascendants or descendants, his spouse, any person whose upbringing or custody is entrusted to him or any person who is effectively under his control and supervision (art. 34, para. 1);

(b) If the offender supplies, delivers or sells the narcotic substance to a person under 21 years of age or induces such person to consume it by using any means of coercion, deception, incitement, aggression or facilitation.

The Labour Act No. 137 of 1981

581. Under article 173 of the Act, any employer or manager responsible for violating the provisions of chapter VI, section 2, concerning the employment of young persons, and the implementing regulations pertaining thereto, is liable to a fine, which is assessed in proportion to the number of persons against whom the violation was committed and which is doubled in the event of a repeated violation. According to article 175 of the same Act, it is not permissible for a court to order suspension of the enforcement of these penalties. It should be noted that the new draft Labour Act raises the minimum age for employment to the age of completion of the stage of basic education. It also increases the amount of the fines prescribed as penalties for violations of the regulations concerning the employment of young persons.

The Education Act No. 139 of 1981

582. Article 19 of this Act stipulates that it is a criminal offence for parents or guardians to violate the provisions concerning the compulsory period of education.

583. **The Civil Status Act No. 143 of 1994**

(a) Articles 19-29 specify the procedures concerning, and the persons responsible for, the notification and registration of births and the naming and registration of foundlings;

(b) Articles 66 and 67 stipulate that it is a criminal offence to violate the provisions concerning the notification and registration of births.

The Children's Act No. 12 of 1996

584. The Children's Act, which was promulgated on 28 March 1996, assembles and develops all the provisions concerning children as set forth in preceding legislation. It contains chapters concerning health care, social and cultural welfare, education, working mothers, the welfare of disabled children and the treatment of child offenders. Brief reference is made below to aspects of protection and assistance provided for in the Act and not already referred to in this report:

(a) Only medical practitioners and licensed midwives are permitted to practise the profession of midwifery. The penalty for violation of this provision is imprisonment and/or a fine (arts. 8-13);

(b) Under the terms of the Act, anyone who conceals a child who is to be delivered into the custody of a person or an institution in accordance with a court order, and anyone who induces or assists such a child to abscond, is liable to a penalty of imprisonment and/or a fine. However, parents, grandparents and spouses cannot be prosecuted for this offence (art. 115);

(c) Under the terms of the Act, the penalty for exposing a child to delinquency or aiding or abetting therein is a term of imprisonment. If the offender is one of the child's ascendants or if he is responsible for the child's upbringing or supervision or has been awarded legal custody of the child, or if the offender uses coercion or threats, the penalty is a term of not less than three months' imprisonment. If the offence is committed against more than one child, the penalty is a term of not less than six months' imprisonment (art. 116);

(d) The legally prescribed penalty for neglecting to exercise control over a child after a warning, if such neglect exposes the child to delinquency or to reversion to delinquency, is a fine (art. 20);

(e) The legally prescribed penalty for neglect by a person holding custody of a child to fulfil his responsibilities, if such neglect leads to the commission of an offence or exposure to delinquency, is a fine (art. 21).

Aspects of protection and measures prescribed in other legislation concerning children

585. A number of other legislative enactments make provision for measures concerning children. The most important of these are reviewed below.

The Civil Code (Act No. 131 of 1948)

586. (a) Article 30 stipulates that births and deaths must be recorded in the official registers maintained for that purpose;

(b) Article 38 stipulates that everyone must have a name and a surname;

(c) Article 47 stipulates that persons lacking legal capacity or with reduced legal capacity are subject to the provisions of the Act concerning guardianship, tutorship and curatorship.

Act No. 118 of 1952 concerning guardianship

587. The provisions of the Act specify the circumstances in which guardianship may be withdrawn or suspended in order to protect children. The details thereof are reviewed here below:

(a) The guardianship of a child must be withdrawn from a person who has been convicted of one or more offences involving rape, indecent assault or any other felonious acts committed against his ward and in the case of recidivism (art. 2);

(b) Article 3 stipulates that guardianship may be withdrawn or suspended in the following circumstances:

(i) If the guardian is sentenced to a term of imprisonment with hard labour or hard labour for life;

(ii) If the guardian is convicted of any offence involving rape, indecent assault or prostitution;

(iii) If the guardian is convicted of the offence of endangering, unlawfully detaining or brutally assaulting his ward;

(iv) If the guardian is placed in a welfare institution under the terms of a court order;

(v) If the guardian endangers the health, safety, morals or upbringing of his ward due to the guardian's ill-treatment, bad example, bad character, addition or failure to provide care and guidance.

588. In such circumstances, the Act makes provision for the welfare of the child through placement in his or her natural environment with a family member, with another trustworthy person or in a specialized institution.

Act No. 119 of 1953, concerning guardianship of property

589. The provisions of this Act set forth the conditions governing the imposition and duration of guardianship, tutorship, custodianship, legal assistance and interdiction in order to protect persons deemed to lack legal capacity or to have reduced legal capacity. Under the terms of the Act, it is a criminal offence for guardians and the like to fail to fulfil their obligation to protect and safeguard the property of their young, interdicted or absent wards. A penalty of imprisonment and/or fine is prescribed for anyone who, in breach of his civil responsibility, refuses to hand over property entrusted to him.

The Nationality Act No. 26 of 1975

590. Article 2 stipulates that the following are deemed to be Egyptian nationals: anyone born to an Egyptian father, to an Egyptian mother and a stateless or unknown father or to unknown parents (foundlings are deemed to have been born in Egypt failing proof to the contrary).

591. Article 6 stipulates that minor children acquire Egyptian nationality if it is granted to their father but retain the right to opt for their original nationality on reaching the age of legal majority.

592. Article 11 stipulates that a person's relinquishment of Egyptian nationality does not entail its forfeiture by his minor children unless, under the law governing their father's new nationality, they are required to adopt that nationality while retaining the option to revert to Egyptian nationality on reaching the age of legal majority.

The Labour Act No. 137 of 1981

593. Under article 158 of this Act, employers are required to establish a nursery either in their enterprise if they are employing over 100 female workers or jointly with other enterprises in the same area.

594. The labour legislation permits the granting of periods of leave to female workers in order to have and take care of children and special benefits for working mothers, as already explained in section 2 concerning the protection of mothers.

The Education Act No. 139 of 1981

595. According to article 15 of this Act, all male and female children have a right to basic sex education, which is provided free of charge for an eight-year period from the age of 6.

The Children's Act No. 12 of 1996

596. The provisions of this Act regulate the manner in which children must be treated in cases involving criminal responsibility by prescribing special measures that are not viewed as penalties and by establishing special courts, which set in camera and include among their members psychologists and sociologists, at least one of whom must be a women, to prepare reports on the child's situation. The Act makes provision for situations in which children are exposed to delinquency and social danger by prescribing rehabilitative measures designed to promote their reintegration in society and create conditions conducive to their proper social upbringing. The Act also makes provision for the establishment of welfare centres in which children can be placed if their interests so require. Moral aspects of the welfare of children are catered for, including their rights, equal treatment in regard to the welfare of working mothers, health care and cultural and social welfare.

Act No. 1 of 2000, regulating certain legal procedures pertaining to matters of personal status

597. Under the terms of this Act, the Nasser Bank is required to disburse the maintenance payments which a person has been ordered to make for his wife, children and parents. The Act also regulates the right to review cases involving divorce in such manner as to guarantee the protection of the welfare of children and the maintenance of contact with their kin.

598. Statistical indicators concerning children:

(a) The infant mortality rate declined from 76 per 1,000 in 1980 to 25 per 1,000 in 1998;

(b) The mortality rate among children up to 5 years of age declined from 10.3 per 1,000 in 1980 to 3.4 per 1,000 in 1998;

(c) The proportion of children being vaccinated rose from 68 per cent in 1985 to 85 per cent in 1998.

599. The following table shows the percentage of children being vaccinated according to the type of the vaccination:

1. Vaccination rate according to type of vaccination (in percentages)

Type of vaccination	Males	Females
Tuberculosis	98.4	97.9
Triple Vaccine	87.2	88.0
(Oral vaccine) Poliomyelitis	89.0	90.3
Hepatitis	81.0	81.8

600. Egypt has acceded to the African Charter on the Rights and Welfare of the Child and the Charter of the Rights of the Arab Child of the League of Arab States. Some statistical data, on children in Egypt can be found in section 2 part III, of the present report.

Paragraph 2

601. Individuals have an obligation to report and register births, as was already mentioned earlier in this report. Under the terms of Act No. 143 of 1994, it is a criminal offence to fail to report births or to violate the provisions concerning their registration.

Paragraph 3

602. The Nationality Act No. 26 of 1978 stipulates that the right to Egyptian nationality is enjoyed by every child or foundling born in Egypt to parents of unknown nationality, a father of unknown nationality, an Egyptian mother or unknown parents. A child may revert to his Egyptian nationality upon reaching his majority if his nationality was changed as a result of his parents changing their own nationality.

Article 25

603. Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

604. These rights are regulated under articles 5, 40, 62, 87, 162 and 196 of the Egyptian Constitution in the following manner:

(a) "The political system in the Arab Republic of Egypt is a multiparty system within the framework of the fundamental principles on which Egyptian society is based, as defined in the Constitution.";

(b) "Political parties are regulated by law" (art. 5);

(c) "The State guarantees equality of opportunity for all its citizens" (art. 8);

(d) "Citizens are entitled to take up public employment. They may not be removed from their posts other than by means of disciplinary measures" (art. 14);

(e) "All citizens are equal before the law and in regard to their public rights and duties, without distinction as to sex, original, language, religion or belief" (art. 40);

(f) "Every citizen has the right to vote and stand as a candidate in elections and to express an opinion in referendums, as provided by law. Participation in public life is a national duty" (art. 62);

(g) "The law shall determine the electoral constituencies into which the State is divided. The elected members of the People's Assembly must not be less than 350 in number, at least half of whom must be workers and farmers elected by direct, secret, public ballot" (art. 87);

(h) "Local people's councils shall be formed gradually, through direct elections, in the various administrative units. At least half the members of each people's council must consist of workers and farmers. Legal provision shall be made to ensure that authority is gradually transferred to these councils" (art. 162, para. 1);

(i) "An Advisory Council shall be formed, consisting of not less than 132 members, the exact number being determined by law.";

(j) "Two thirds of the members of the Council shall be elected by direct, secret, public ballot and at least half of them shall be workers and farmers.";

(k) "The remaining third shall be appointed by the President of the Republic." (art. 196).

605. In keeping with these constitutional principles, the Egyptian legislature has enacted the following legislation regulating the right to participate in the conduct of public life as described below.

(a) Act No. 73 of 1956, regulating the exercise of political rights

(i) Article 1 stipulates that, on reaching the age of 18 Gregorian years, every Egyptian must exercise his political rights in person by expressing his opinion in the public referendums that are held in accordance with the Constitution, by electing the President of the Republic and by electing the members of the People's Assembly, the Advisory Council and the local councils. Members of the police and the armed services are exempt from this obligation throughout their period of service. (The first paragraph was amended by Act No. 202 of 1990, which added the election of members of the Advisory Council and the local councils.)

(ii) Article 2 specifies the cases in which persons may be prohibited from exercising political rights. These are confined to persons sentenced to a criminal penalty for a felony (until such time as they are restored to good standing), to a penalty of imprisonment for certain specified offences prejudicial to honour and integrity (until such time as they are restored to good standing or unless the sentence is suspended) or to tutelage under the terms of a court order, and persons who have been dismissed from government service or the public sector.

(iii) Under the terms of article 15, appeals against inclusion or non-inclusion in these lists, on grounds of erroneous information, may be lodged with a committee established for this purpose. Decisions of the committee may be challenged by appeal to the competent court of first instance in accordance with article 17 of the Act.

(iv) Article 41 (a) stipulates that it is a criminal offence to use force or threats to prevent a person from voting in an election or to force him to vote therein. The penalty therefor is imprisonment or a fine.

(b) The People's Assembly Act No. 38 of 1972, as amended by Act No. 201 of 1990

(i) Article 1 stipulates that the members of the People's Assembly shall be chosen by direct, secret, public election. The Assembly consists of 444 members, no more than 10 of whom may be appointed by the President of the Republic.

(ii) Article 15 stipulates that the candidates elected shall be those who obtain an absolute majority of the valid votes cast.

(iii) Article 4 stipulates that the duration of the People's Assembly shall be five Gregorian years from the date of its first meeting and new elections must be held 60 days before the expiration of the duration of the current Assembly.

(c) The Advisory Council Act No. 120 of 1980, as amended by Act No. 10 of 1989

(i) Article 1 stipulates that the Advisory Council consists of 258 members, two-thirds of whom must be elected by direct, secret, public ballot, the remaining third being appointed by the President of the Republic.

(ii) Article 3 stipulates that the duration of the Council is six years and half of its elected and appointed members must seek a renewal of their mandate every three years.

(d) The Local Government Act No. 43 of 1979

(i) The Act makes provision for the formation of local people's councils, elected for a period of four years, in the various governorates, agglomerations, cities, district centres and villages. Elections thereto take place in accordance with the rules and procedures laid down in the said Act and in Act No. 73 of 1956 which regulates the exercise of political rights.

(e) The Political Parties Act No. 40 of 1977

(i) Article 1 stipulates that Egyptians have the right to form political parties and every Egyptian has the right to belong to any political party, in accordance with the provisions of law.

(ii) Article 4, paragraph 3, stipulates that membership of a political party must not be restricted to a particular social class, category, community or geographical area and parties must not pursue a policy of discrimination in regard to sex, origin, religion or belief.

Judicial applications

606. The Supreme Constitutional Court has ruled that the legislative texts concerning the holding of public elections to the People's Assembly, the Advisory Council and the local councils solely on the basis of party lists is unconstitutional insofar as persons who are not members of political parties are thereby deprived of their right to participate and those texts therefore constitute a violation of the provisions of articles 8, 4 and 62 of the Constitution (cf. judgement handed down at the hearing of 16 May 1987 in Constitutional Case No. 131, judicial year 6, concerning the People's Assembly Act; judgement handed down at the hearing of 15 April 1989 in Constitutional Case No. 14, judicial year 8, concerning the local government act; and judgement handed down at the hearing of 15 April 1989 in Constitutional Case No. 23, judicial year 8, concerning the Advisory Council Act). The above-mentioned Acts were amended by combining the system of party lists with the election of one independent candidate in each constituency.

607. The Supreme Constitutional Court has ruled that the legislative texts concerning the holding of elections to the People's Assembly by combining the system of party lists with the direct election of one independent candidate in each constituency is unconstitutional insofar as it violates articles 8, 4 and 62 of the Constitution by discriminating between categories of candidates on the basis of their differing political opinions (Case No. 37, judicial year 9, hearing of 19 May 1990).

608. The Supreme Constitutional Court ruled that article 24 of Act No. 73 of 1956 was unconstitutional insofar as it permitted the appointment of persons non-members of judicial bodies as chairpersons of by-election committees (ruling handed down in Constitutional Case No. 11, judicial year 13, session of 8 July 2000).

609. In conformity with this ruling of the Supreme Constitutional Court, the legislature amended the aforementioned legislation by reverting to a system of direct voting in all general elections, whether for the People's Assembly, the Advisory Council or the local councils. In order to ensure complete judicial control over elections, it also enacted Act No. 167 of 2000 amending the legislation pertaining to the exercise of political rights by providing that the chairpersons of all by-election and general election committees throughout all stages of the electoral process must be members of judicial bodies.

610. The most recent elections, held at the end of 2000, were conducted in accordance with this new legislation. Egypt currently has a total of 500 political parties, founded between 1977 and 2000.

Article 26

611. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

612. Successive Egyptian Constitutions have recognized this right as a fundamental human right, including the present Egyptian Constitution that was proclaimed in 1971 and in which this right is established under its articles 8 and 40. According to article 8: "The State guarantees equality of opportunity for all its citizens". According to article 40: "All citizens are equal before the law and in regard to their public rights and duties, without distinction as to sex, origin, language, religion or belief".

613. In its rulings the Supreme Constitutional Court has made it clear that the provisions of article 40 of the Constitution prohibiting discrimination between citizens on specific grounds (sex, origin, language, religion or belief) refer to those particular forms of discrimination merely because they are the most common and not because it wishes to limit itself to them. Were it otherwise, one could infer that other forms of discrimination are permissible and this would be incompatible with the principle of equality guaranteed in the Constitution (Constitutional Case No. 17, judicial year 14, session of 14 January 1995, published in the Official Gazette No. 6 of 9 February 1995).

614. The Constitutional Court has also ruled that the prohibited grounds for discrimination specified in the Egyptian Constitution are not limitative but are merely the most commonly encountered in daily life. Were that not the case, one could infer that other forms of discrimination between citizens were "constitutionally sanctioned", which would run counter to the principle of equality enshrined in the Constitution. In its opinion, the Court explained that the absence of specific reference in article 40 of the Constitution to certain forms of discrimination did not imply that they were not prohibited, including, for example, discrimination between citizens in regard to the rights that they enjoy or the freedoms that they may exercise based on their origin, social status, class, political affiliations, ethnic origins, tribal group, attitude towards public authority, aversion for public institutions, pursuit of particular practices or other forms of discrimination.

615. The Court has defined the forms of discrimination that run counter to the principle of equality enunciated in the Constitution as boundless but consisting primarily in all differentiation, restriction, preference or exclusion that arbitrarily detracts from the rights and freedoms guaranteed in the Constitution and the law either by denying their existence or rendering them inoperative in such a way as to prevent them from being exercised on an equal footing by all persons entitled to do so under the law, particularly in the political, social, economic, cultural and other fields of public life (Constitutional Appeal No. 39, judicial year 15, session of 4 February 1995, published in the Official Gazette, No. 9 of 6 March 1995).

616. From the above, it is evident that the principle of equality and non-discrimination which is enshrined in Egyptian law is based on the constitutional principle laid down in the above-mentioned article 40. It is also clear that the Supreme Constitutional Court has defined discrimination on the basis of the provisions of article 1 of the Convention on the Elimination of all Forms of Racial Discrimination. Throughout its history, the Egyptian legislature has abided by the constitutional rule of equality before the law and non-discrimination that has been established under successive Egyptian Constitutions. Specific provisions prohibiting distinction or discrimination on any grounds can be found in a number of Egyptian legislative enactments, including the Political Parties Act, the Education Act, and the Press Act. In addition to the foregoing, the drafters of Egyptian criminal law designate offences against the rights and fundamental freedoms of citizens, including the propagation or incitement of extremism, sectarianism and racism, as criminal offences.

617. The position taken by the legislature in order to assert these rights and criminalize any violation thereof is described in detail hereunder.

The Egyptian Penal Code (Act No. 57 of 1937)

618. In accordance with the provisions of the Egyptian Penal Code (as amended by Act No. 97 of 18 July 1992) regulating the full legal protection to be afforded to public rights and freedoms guaranteed in the Constitution, including, naturally, the principle of equality before the law, it is a criminal offence to form any group for the purpose of advocating the violation of these rights

or freedoms or to be a member in, promote, possess or acquire publications, pamphlets or documents promoting such groups (arts. 86 bis, 86 bis, para. (a), 86 (b). 88 bis, para. (d)). The provisions of these articles are described in further detail below:

(a) It is a criminal offence to establish, form, organize or manage an association, body, organization, group or league the aim of which is to advocate any form of violation of the liberty of person of citizens or any other public rights and freedoms guaranteed in the Constitution and under the law or to prejudice national unity and the security of society. The legally prescribed penalty for this offence is a term of imprisonment. The leadership of such groups shall be liable to a term of imprisonment with hard labour (art. 86 bis);

(b) The legally prescribed penalty for joining or participating in any way in one of these groups while being aware of the aims thereof is a term of up to five years' imprisonment (art. 86 bis);

(c) Any person who promotes one of these groups and its aims by word, in writing or using any other means or who possesses or acquires pamphlets, publications or documents promoting or advocating the aims thereof or the means used in their preparation shall be liable to a penalty of up to five years' imprisonment (art. 86 bis);

(d) The penalty for the above-mentioned offences shall be increased, if terrorism as defined under article 86 bis, paragraph (a) is one of the methods used in the commission thereof;

(e) Any member of one of the groups mentioned in article 86 bis who uses terrorism in order to compel a person to join or prevent him from leaving any of those groups shall face the legally prescribed penalty of life imprisonment at hard labour (art. 86 (b)).

619. In this connection, it should be pointed out that the offences mentioned in the preceding paragraph cannot be time-barred from prosecution under criminal or civil law, as is made clear in articles 15 and 259 of the Code of Criminal Procedure which reflect the principle embodied in article 57 of the Constitution that offences involving the violation of public rights and freedoms guaranteed in the Constitution cannot be time-barred from criminal or civil proceedings.

The Political Parties Act (Act No. 40 of 1977)

620. According to article 1 of this Act Egyptians have the right to form political parties and every Egyptian has the right to belong to any political party. Under the terms of article 4 thereof, the principles, programmes, activities, leadership or membership of a political party must not be restricted to a particular social class, category, community or geographical area and parties must not pursue a policy of discrimination based on sex, origin, religion or belief. Under article 22 of the same Act, it is a criminal offence to establish, found, organize, manage or finance an illegal political party, punishable by a term of imprisonment. The penalty is increased to imprisonment at perpetual or short-term hard labour, if the illegal political party seeks to undermine the prevailing social order. Article 23 stipulates that the legal penalty for joining an illegal political party is a term of imprisonment.

621. It is clear from the foregoing that the Egyptian legislature prohibits the establishment of political parties along class, community or gender-based lines or on the basis of discrimination in respect of sex, origin, religion or belief and that the establishment of or membership in an illegal political party is punishable by law.

The Private Associations and Foundations Act (Act No. 32 of 1964)

622. Under this Act it is illegal for any association to have as its aim the pursuit of activities advocating discrimination between citizens on grounds of sex, origin, colour, language, religion or belief or to pursue activities of a political or military nature. The Act prescribes a penalty of a term of imprisonment and a fine to be imposed on any association established for the purpose of carrying out these prohibited activities.

The Press Act (Act No. 96 of 1996)

623. Under the terms of article 20 of the Press Act the press must refrain from disseminating racist messages or those that express contempt for or advocate hatred of religions, denigrate the beliefs of others or promote discrimination or contempt for a particular community.

624. Article 32 of the Act makes it illegal for newspapers to publish any statement, the substance of which is incompatible with social values and principles as well as with public morals or with the mission and purposes of the press.

Judicial applications

625. The Supreme Constitutional Court ruled that the provisions of article 3 (a) of the Students' Health Insurance Act No. 99 of 1992 were unconstitutional in that they required students of private schools and private kindergartens to make annual insurance payments higher than those required of other students, thereby violating the principle of equality (Constitutional Case No. 40, judicial year 16, session of 2 September 1995).

626. The Court ruled that article 134 of the Personal Status Regulations of Orthodox Copts was unconstitutional on the grounds that it violated the principle of equality by setting age limits at which a child may be entrusted to the custody of either parent that differed from those specified for Muslim children and by depriving women of the right to apply to the courts to seek an extension of custody over a female child up to the age of her marriage and a male child up to the age of 15, if such was in their interests, which is a right accorded to Muslims (Constitutional Case No. 74, judicial year 17, session of 1 March 1997). The Constitutional Court applied the same interpretation in its ruling on the unconstitutionality of the provisions of article 109 of the Personal Status Statutes of the Orthodox Armenian Community adopted in 1946 (judgement handed down in Constitutional Case No. 81, judicial year 18, session of 4 April 1998).

Article 27

627. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion or to use their own language.

628. There are no large ethnic communities in Egypt. The Egyptian people enjoy complete homogeneity between all groups and communities in society, since it is united by a single language, Arabic, the official language of the country, and by the Arab culture which encompasses Egypt's varied desert and coastal regions. Consequently, there are no linguistic pockets existing outside the framework of the Arabic language and its various dialects, apart from the Siwa Oasis, which uses a local dialect in addition to Arabic. This dialect forms the subject of numerous academic studies and is well documented. The task of preserving the Nubian dialect is carried out by the authorities concerned with cultural affairs, which have long been working to resettle and restore the Nubian communities whose ancient settlements together with the temple at Abu Simbel were flooded as a result of the High Dam Project. All local dialects throughout Egypt are derived from the mother tongue, Arabic. They have been studied in academic research programmes and are not distinct from the other dialects.

629. In addition, the Ministry of Culture has exerted numerous efforts to preserve the cultural heritage of the Arab Republic of Egypt, including that of the Nubian, desert and coastal regions, by means of the following activities:

(a) The National Centre for Popular Arts, a branch of the Academy of Arts, which comes under the jurisdiction of the Ministry of Culture, does vital work in documenting the popular heritage. The Institute of Popular Arts, for its part, produces academic studies on the same subject. The popular culture of Nubia and the coastal and desert regions forms an important and fundamental part of these studies;

(b) The Higher Council for Education organizes discussions and seminars on the cultural heritage and artistic and cultural creative works from these same regions. During its most recent cultural season, it organized a seminar on Nubian literature under the auspices of the Literature Committee. In cooperation with the different regions, the Council also commissions special studies, through the Geography Committee, and publishes numerous papers on the cultural heritage in the different regions of Egypt, including Nubia and the Siwa Oasis;

(c) State-run theatres, including the Opera House, stage artistic, singing, musical and theatrical works by Nubian troupes or works inspired by Nubian writers and artists. No season ever goes by without the Opera House staging a singing or musical event by Nubian performers and troupes;

(d) The Palaces of Culture Institute organizes an annual literary conference for writers and artists from every region and governorate of Egypt. The conference draws writers from the coastal and desert governorates as well as from the Governorate of Aswan.

630. In addition to the above, the Egyptian Radio and Television Broadcasting Corporation, which is part of the Ministry of Information, broadcasts many radio and television programmes on the cultural heritage throughout Egypt, showing the diverse culture of certain of its regions. These programmes are broadcast on national television and radio or on regional channels, some covering the region of Southern Sa'id and others Sinai, the Canal area and the regions of the northern coast. In addition, voluntary organizations and scientific associations, are working with the Government's support to document, study and preserve the cultural heritage.

631. All citizens livin, in these regions enjoy all the rights and freedoms recognized in the Constitution. Several of them occupy positions of high public office and are members of national and local representative bodies. The fact that they come from these regions is not deemed to constitute grounds for depriving them of the enjoyment of any recognized rights or freedoms.

632. The State endeavours to preserve the cultural heritage of these regions according to the methods described above. In addition, engineering plans for the resettlement of the Nubian population in the light of the High Dam Project have taken account of the architectural design of Nubian homes. A special museum devoted to Nubian antiquities has also been established.

633. In keeping with the local customs and traditions in these regions, the Code of Proceedings at Law authorizes the establishment of civil arbitration tribunals, sitting in the minor courts and presided over by the Deputy Public Prosecutor, which resolve disputes in a manner consistent with their prevailing customs. In terms of judicial applications, the Constitutional Court ruled that article 7 of the Regulations of the Shariah Courts was unconstitutional on the grounds that by providing for only one level of jurisdictions in matters of personal status in the areas of Siwa, al-Qasir and al-Arish it was incompatible with the practice prevailing in other regions where the right of appeal was allowed.

634. As regards religion, the Egyptian nation is characterized by the homogeneity, unity and cohesion of its citizens, who, regardless of the faiths which they profess, are united by the experience of their national struggle. As was already mentioned in the commentary on article 18 of the Covenant, the Egyptian legal system is founded on the commitment to freedom of religion and freedom of belief enshrined in the Constitution and is characterized by the fact that it regulates matters of personal status in regard to marriage and its effects and inheritance and bequests in accordance with the regulations specific to each religious faith and the religious laws of the parties in the relationship.

635. Religion is not regarded as a ground for impeding the enjoyment by all citizens of the constitutionally established rights and freedoms afforded to all persons without distinction in conformity with the principle of equality before the law enshrined in the Egyptian Constitution.

PART III

Response to the requests for clarification from the members of the esteemed Human Rights Committee

636. The expert members of the esteemed Committee raised a number of questions during their consideration of Egypt's second periodic report. Egypt's oral replies to their questions have been incorporated into this report and the questions can be grouped under the following headings:

(a) The commentary on article 1, concerning the rights of peoples to self-determination;

(b) The legal status of the International Covenant on Civil and Political Rights under the Egyptian legal system;

(c) Statistical indicators on the status of women and children;

(d) The Emergency Act and State Security Courts;

(e) Prison reform and the treatment of prisoners;

(f) Judicial procedures in regard to complaints of torture;

(g) Minorities;

(h) The Baha'i faith.

637. In addition to the commentary in this report on the articles of the Covenant, we provide the following response to the Committee's requests for information.

The commentary on article 1 of the Covenant, concerning the right to self-determination

638. In its commentary on article 1 of the Covenant Egypt explained its national view of the right to self-determination as well as its steadfast policy of ensuring full compliance therewith, since the right to self-determination is the natural and true point of departure from which all the principles of human rights and fundamental freedoms enshrined in international law flow and is also the means by which they are realized.

639. Based on this premise, Egypt's policy towards all peoples of the earth is to support, affirm and realize the right to self-determination. The country's practical efforts and avowed positions on various related issues underscore its commitment to the full realization of this right on the basis of international law as represented by the United Nations system and the aims enunciated in the Charter of the United Nations.

The legal status of the Covenant under Egyptian law

640. In section 3, part I of this report, Egypt described the legal status of the Covenant under Egyptian law. This can be encapsulated in the affirmation that the rights and freedoms recognized in the provisions of the Covenant have been taken up by the Egyptian Constitution in such manner as to ensure that those same provisions, being supported by those of the Constitution, enjoy the legal protection afforded to constitutional rules. In addition, pursuant to article 151 of the Constitution, the Covenant is regarded as a law of the country. Accordingly, its provisions are binding on all authorities of the State and can be invoked by anyone seeking any form of legal redress at the local level before the courts.

Statistical indicators on the status of women and children

641. In its commentary on articles 3 and 24 of the Covenant, Egypt provided a detailed description of the constitutional and legal provisions concerning women and children. We have here provided some additional statistical data relating to women and children that furnishes the respected Committee with information about Egypt's efforts and programmes in this domain and the achievements thereof.

Women

642. Social services are provided for women with a view to encouraging and helping them to reconcile their responsibilities towards their families with their work and its demands.

643. The State has made efforts to promote the expansion of childcare facilities. The number of nurseries has increased from 2,355 in 1983 to 6,435 in 1998. At the same time, 25 centres have been set up to provide working women with reasonably priced services such as the preparation of cooked, partially cooked or pre-prepared meals, cleaning and ironing services and help with finding experienced domestic workers.

644. The voluntary sector is particularly active in this domain and operates through a network of local development associations throughout the country, whose number has risen from 3,472 in 1995 to a current figure of 3,889.

645. The country has 104 family advice and counselling centres providing migrant women workers whose work takes them away from their homes with a place to stay.

646. Women are given priority by this sector, since voluntary associations also offer them health services and play an important role in this domain. In 1990 the total number of local development associations throughout the country stood at 573. Health services are also offered to women by as many as 171 voluntary associations catering specifically for children and mothers and by some 320 family planning associations.

647. The information sector plays an important role in this domain through health awareness programmes and the transmission of audio-visual broadcasts, of which a number are sponsored by the Ministry of Health. The information sector acts as an important partner in some of these programmes, helping to promote health awareness using simplified methods that are appropriate to the target audience, pitched according to its level of education and culture and taking account of the illiteracy factor.

Statistical indicators concerning aspects of women's health

648. The State's efforts to expand and promote awareness of health services have achieved notable success in the spheres of women's health, reproductive health, children's health and family planning, as the following indicators show:

(a) The average life expectancy at birth for women rose from 52 years in 1981 to 66.4 years in 1998;

(b) The infant mortality rate fell from 76 deaths per 1,000 live births in 1980 to 25 in 1998;

(c) The under-five mortality rate dropped from 11 deaths per 1,000 live births in 1980 to 2.17 in 1998;

(d) The total fertility rate declined from 5.28 per cent in 1980 to 3.4 in 1998;

(e) The percentage of women using contraceptives increased from 24 per cent in 1980 to 51.8 per cent in 1998;

(f) The percentage of births attended by an experienced birth attendant rose from 9.4 per cent in 1980 to 55.2 1998;

(g) The overall rate of vaccination of children rose from 68 per cent in 1985 to 84.3 in 1998;

(h) The maternal mortality rate during pregnancy and delivery fell from 320 per 100,000 births in 1986 to 174 in 1993;

(i) The incidence of early marriage (of women under the age of 16) declined from 16 per cent in 1991 to 11 in 1998 and the percentage of women under the age of 19 who were either pregnant or already had children stood at 10.2 per cent in 1995;

(j) The percentage of closely spaced births (at intervals of less than two years) fell from 30 in 1986 to 25 in 1991;

(k) The proportion of married women participating in decisions about reproduction increased from 40 per cent in 1986 to 66.6 in 1995;

(l) The population growth rate has fallen from 3.4 per cent in 1992 to 2.08 per cent;

(m) The illiteracy rate dropped from 62 per cent in 1986 to 57.4 per cent in 1992 and 51 per cent in 1996;

(n) The rate of health coverage rose from 98 per cent in 1992 to 100 per cent in 1998;

(o) The rate of inoculation of women climbed from 57 per cent in 1992 to 70.01 per cent in 1998.

649. **Statistical indicators showing the pattern of women's employment in different government activities and agencies**

(a) Tourism: 53.3 per cent;

(b) Insurance and social affairs: 50.8 per cent;

(c) Health and religious services and the workforce: 46.6 per cent;

(d) Culture and the media: 44.3 per cent;

(e) Education, research and youth affairs: 41 per cent;

(f) Finance and the economy: 38 per cent;

(g) Presidential services: 31.3 per cent;

(h) Trade and distribution: 27.6 per cent;

(i) Electricity and energy: 25.5 per cent;

(j) Industry and oil: 34.4 per cent;

(k) Public administration and local councils: 23 per cent;

(l) Agriculture and irrigation: 17.6 per cent.

650. **Statistical indicators showing the number of women executives in different government activities, sectors and agencies**

Government sector	No. of women executives	As a percentage of all women executives in the government sector
Finance and the economy	371	26.7
Culture and the media	183	13.2
Education, research and youth affairs	147	10.5
Presidential services	89	6.4
Defence, security and justice	87	6.3
Transport, communications and civil aviation	88	6.3
Housing and construction	70	5.0
Health and religious services and the workforce	83	6.0
Electricity and energy	65	4.7
Agriculture and irrigation	53	3.8
Insurance and social services	44	3.2
Industry and oil	37	2.7
Trade and distribution	24	1.7
Public administration and local councils	23	1.7

651. **Statistical indicators pertaining to social services and training**

The table below shows the range of activities that are carried out by the Government, through the Ministry of Social Affairs, in the domain of social services and training for women.

Item	No.	No. of beneficiaries	Comments
Women's clubs	571	49 460	Of which 510 are subsidized and 61 self-supporting
Migrant women's residences	185	12 756	Of which 160 belong to welfare associations and 25 to development associations
Vocational training centres	62	3 932	Consisting of 247 departments

Item	No.	No. of beneficiaries	Comments
Family planning and advice centres	104	7 720	The number of beneficiaries represents all persons who used these services in 1998
Social development associations	2 457	13 295	The number of beneficiaries represents all persons who received training in 1998
Social welfare associations	887	8 405	The number of beneficiaries represents all persons who received training in 1998
Social rehabilitation offices	115	39 242	Catering for persons suffering from visual, auditory and physical disabilities, mental retardation, tuberculosis and heart disease
The Foster Family Project	-	3 964	Involving paid and unpaid foster families, including some attached to children's homes
The Productive Families Project	-	25 808	This is the number of families that received services in 1998
The Social Security Fund	-	318 849	Providing monthly pensions and assistance as well as one-off payments for disasters and calamities
Nursery schools	6 435	470 987	Comprising 18,183 classes
Children's clubs	458	46 512	Comprising both welfare and development association clubs

652. **Statistical indicators relating to women's education (the percentages of girls and women enrolled in different stages of education as a proportion of the total)**

Pre-university education refers to the basic stage of education (the elementary and preparatory stages) while secondary, general and technical education refers to industrial, agricultural and commercial education. The table below shows the percentages of girls and women enrolled in these different stages of education in 1998/99.

Educational stage	1992/93	Proportion of girls enrolled in each stage
Pre-elementary	-	47.62%
Elementary	45.2%	46.69%
Preparatory	44.7%	46.65%
Secondary general	45.2%	49.63%
Industrial	28.7%	34.65%
Agricultural	23.7%	20.87%
Commercial	68.4%	61.82%
All stages		45.95%

653. **Women students in faculties and colleges of higher learning (1997/98)**

Item	No. of women students	As a percentage of total	Grand total
Cairo University	30	41.7	72
Higher Institute of Nursing			
Alexandria University			
Faculty of Nursing	224	100	224
Faculty of Physical Education for Girls	167	100	167
Tanta University			
Faculty of Nursing	303	100	303
University of Zagazig			
Faculty of Physical Education for Girls	172	100	172
Higher Institute of Nursing at the University of Zagazig	320	100	320
Benha Higher Institute of Nursing	187	100	187
Helwan University			
Faculty of Home Economics	311	65.9	472
Faculty of Physical Education for Girls	340	100	340
Ain Shams University			
Faculty of Home Economics	375	78.5	478
Higher Institute of Nursing	137	100	340

654. **Statistical indicators relating to children (taken from the 1996 census)**

(a) Proportion of the population under the age of five: 11.6 per cent males; 11.5 per cent females;

(b) Proportion of the population aged five years and over: 13 per cent males; 12.7 per cent females;

(c) Proportion of the population aged 10 and over: 13.4 per cent males; 13.1 per cent females;

(d) Proportion of the population aged 15 years and over: 11.9 per cent males; 11.4 per cent females;

( ) Rate of enrolment in compulsory education: 91.41 per cent in 1992, rising to 98.98 per cent in 1998/99;

(f) The infant mortality rate dropped from 76 deaths per 1,000 live births in 1980 to 25 in 1998;

(g) The under-five mortality rate declined from 10.3 per 1,000 live births in 1980 to 3.4 in 1998;

(h) The overall vaccination rate rose from 68 per cent in 1985 to 85 per cent in 1998;

(i) The vaccination rates for different diseases increased as follows:

Vaccination rates by disease

Type of vaccination	Males	Females
Tuberculosis	98.4	97.9
Triple vaccine	87.2	88.0
Poliomyelitis (triple dose)	89.0	90.3
Hepatitis	81.0	81.8

Note: Egypt has acceded to the African Charter on the Rights and Welfare of the Child and to the Charter of the League of Arab States on the Rights of the Child.

655. The table below shows the number of schools, classes and male and female students in the different stages of education:

Educational stage	Schools	Classes	Boys	Girls	Total
Total pre-elementary	3 172	10 376	171 868	156 272	328 140
Total elementary	15 566	173 520	3 918 891	3 432 227	7 351 118
Total preparatory	7 325	95 453	2 215 274	1 937 350	4 152 624
Total basic education	26 063	279 349	6 306 033	5 525 849	11 831 882
Grade 1 (mixed)	68	98	1 754	976	2 730
Grade 1 (girls)	2 260	2 260	-	44 820	44 820
Total secondary general education	1 562	24 514	487 984	480 724	968 708
Total secondary technical and industrial education	817	24 066	547 186	290 139	837 325
Total secondary agricultural education	154	5 118	146 498	38 643	185 141
Total secondary commercial education	895	22 080	316 872	512 994	829 866
Total secondary technical education	1 767	51 264	1 010 556	841 776	1 852 332
Total secondary general education and equivalent	3 329	75 778	1 498 540	1 322 500	2 821 040
Grand total	31 720	357 485	7 806 327	6 894 145	14 700 472

Preparatory school enrolment and drop-out rates

Academic year	Boys			Girls			Total		
	No. enrolled	No. dropping out	Drop-out rate	No. enrolled	No. dropping out	Drop-out rate	No. enrolled	No. dropping out	Drop-out rate
1990/91	1 532 052	176 794	11.5	1 241 437	123 045	9.9	2 773 489	299 839	10.8
1991/92	1 222 886	70 034	5.73	996 097	82 122	8.24	2 218 983	152 156	6.86
1992/93	1 216 689	64 081	5.3	996 253	49 801	5.0	2 212 942	113 882	5.16
1993/94	1 282 462	53 787	4.19	1 037 632	34 378	3.3	2 320 094	88 165	3.8
1994/95	1 287 447	73 051	5.67	1 075 314	48 388	4.5	2 362 761	121 439	5.14
1995/96	1 326 359	62 783	4.7	1 125 567	36 738	3.26	2 451 926	99 521	4.06
1996/97	1 366 672	50 842	3.72	1 178 497	34 196	2.9	2 545 169	85 038	3.34
1997/98	1 437 985	53 700	3.73	1 248 967	33 105	2.65	2 686 952	86 805	3.23

Emergency Act and State security courts

656. In its comments on article 4 of the Covenant, Egypt provided a detailed description of the provisions and scope of the Egyptian Emergency Act, which was promulgated by Act No. 162 of 1957, including those relating to the formation of State security courts and their areas or jurisdiction.

657. From the legal provisions of the Constitution to which reference was made here above, one may extrapolate the following facts:

(a) Nothing in the Emergency Act invalidates the provisions of the Constitution or the law or detracts from representative life in the country. Indeed, a decree proclaiming a state of emergency must be submitted to the People's Assembly for ratification. A state of emergency can be extended only with the approval of the People's Assembly and provided that the reasons for its proclamation continue to pertain;

(b) The only measures which the President of the Republic is empowered to take to limit freedoms as required by the state of emergency are those specified under the terms of the Emergency Act. The scope of these measures can be expanded only with the approval of the People's Assembly and in accordance with the procedures prescribed for the enactment of laws;

(c) Members of the Department of Public Prosecutions have been vested with the powers of examining magistrates, since they enjoy judicial immunity and cannot be removed from office. The decision to vest them with these powers was dictated by the circumstances which they face in seeking to safeguard security, public order and the general welfare of society;

(d) The key guarantee that a person should be immediately informed of the reasons for his arrest or detention is laid down in the Emergency Act, as amended by Act No. 50 of 1982, which adds a clause requiring such information to be provided in writing in order better to protect the freedom of the person being held and to enable him and his lawyers to mount a defence;

(e) According to the amendment cited in the preceding paragraph, and in keeping with article 71 of the Constitution, the detainee and any other persons concerned have the right to lodge a complaint with the courts against the arrest or detention on a periodic basis (every 30 days);

(f) The State security courts, for which provision is made under the Egyptian Emergency Act, are presided over by magistrates and judges who are members of the judicial authority and enjoy judicial immunity;

(g) The President of the Republic is empowered to appoint military officers as additional members of these courts. The President has never availed himself of this right at any time since the proclamation of the state of emergency;

(h) The Supreme Constitutional Court has ruled that ratification of measures provided for under the Emergency Act is equivalent to a degree of adjudication and an important stage in the finalization of a verdict;

(i) The Emergency Act does not infringe the terms of article 4 of the International Covenant on Civil and Political Rights from which no derogation is permitted, even in time of public emergency. This includes the obligation not to permit the practice of torture. The Act contains no provisions approving the commission of acts designated as criminal offences under the current Penal Code, but rather provides that any person detained pursuant to its provisions must be accorded the same treatment as prisoners in precautionary detention;

(j) The fact that the Emergency Act remains in effect is a result of the continuation of the circumstances which dictated its proclamation. It has received the approval of the legislative authority and all measures taken pursuant thereto are subject to the scrutiny of the judicial authority, which enjoys full immunity and independence. These facts represent fundamental guarantees that any measures taken are such as to avert threats to society and to maintain security, peace and stability;

(k) The right of arrest stipulated under the terms of the Emergency Act is governed by legal rules that preclude the arrest of a person for frivolous or arbitrary reasons. In point of fact, it is a measure designed to place persons who threaten security in seclusion in time of public emergency and is subject to regular judicial review. The fact that the Ministry of the Interior has the right to appeal against release orders is dictated by the need to deal with any new information and evidence about individuals and groups which might be difficult to discover or obtain in a timely manner. This right is subject to judicial scrutiny;

(l) Detention orders may be issued only in respect of persons who are a menace to public security and public order. This must be demonstrated on the basis of objective evidence pointing to the existence of a threat. Any person who is unlawfully detained under false pretences is entitled to apply to the courts to seek legal redress against the offending party and to claim compensation.

Prison reform and the treatment of prisoners

658. Plans and programmes aimed at prison reform and the improvement of prison conditions have yielded the following results.

Plans for the modernization of prisons

659. (a) A total of 14 new prisons were built in the various governorates in the period 1995-2000, at a total cost of over LE 1 billion.

(b) Over the past five years all remaining prisons have been renovated, at a total cost of around LE 7 million per annum.

Plans to improve the welfare of prisoners

660. Ministerial Decree No. 691 of 7 March 1998, amending the provisions and rules governing the treatment and conditions of prisoners, has introduced provisions amending the regulations on prison food in accordance with the findings of studies carried out in cooperation with the National Institute for Nutrition with a view to improving the quality of meals. This had lead to a twofold increase in the Ministry's budgetary allocation for this item, representing a total current cost of LE 62 million per annum, as compared with the previous figure of LE 27 million.

The social welfare of prisoners and prisoners' families

661. (a) The total value of subsistence payments made to the families of prisoners, as provided for under Act No. 30 of 1977, amounted to LE 2,607,298 in 1999/2000.

(b) The number of social assistants increased from 62 in 1995 to 153 in 2000.

(c) Over the past three years, prison libraries have been supplied with a total of 21,398 books, at a cost of LE 66,900.

(d) More seminars, lectures and film shows are being offered. Prisons have been furnished with televisions and prison cells with overhead fans.

Educational welfare

662. (a) The number of prisoners pursuing studies at different levels up to the university level amounted to 5,226 in 2000. Two prisoners have received doctorates and two have achieved masters degrees. The total number of persons enrolled in higher studies stands at 11.

(b) The number of illiteracy classes has risen to 151, as compared with 48 in 1995.

(c) A total of 3,140 students have received literacy training in these classes.

Health care

663. Health care is provided both in the form of preventive health and therapy.

Preventive health

664. Professionals working for the National Programme for the Eradication of Tuberculosis visit every prison and undertake tests, x-rays and examinations of all inmates. Patients are provided with treatment until any illness which they have contracted in prison has been cured. A special van has been purchased to carry out tests on site so that diseases can be detected early on. Representatives of the World Health Organization have visited prison hospitals and praised the work they do. In cooperation with the Ministry of Health, vaccinations have been administered for the other contagious diseases.

Medical treatment

665. Every prison has got its own dispensary which is managed by a physician. The range of services on offer is expanded by means of contracts concluded with specialists in various fields of medicine.

666. Specialized central hospitals have been set up and their capacity increased from 260 beds in 1997 to 780 in 2000. A total of seven operating theatres have been installed in prison hospitals and as many as 1,101 surgical procedures have been performed, 185 of them highly specialized operations.

667. A medical file has been created for every inmate in order to monitor the state of his health and to keep track of all treatment provided. These results bear witness to the success which plans for prison reform and the improvement of prison conditions have scored.

Judicial procedures for dealing with complaints of torture

Measures applied against perpetrators of acts of torture and other forms of cruel treatment

668. The data below show the penalties that have been inflicted on persons found guilty of committing acts of torture and the compensation that has been awarded to the victims. The figures show the steps taken by the Department of Public Prosecutions between 1998/99 and 1 October 2000, vis-à-vis complaints involving the offences specified under the Covenant and proceedings taken against officers and members of the police based on complaints about torture, cruelty, ill-treatment and unlawful detention and pursuant to articles 126, 127, 129, 240, 241 and 242 of the Penal Code.

669. **Complaints against individual members and officers of the police force**

Year	Administrative sanctions	Disciplinary proceedings	Criminal proceedings
1998	17	3	29
1999	22	1	29
2000	13	7	20

(a) The figures included under the heading "Administrative sanctions" refer to cases which the Department of Public Prosecutions passed on to the administrative authority with competence for the accused person for the infliction of an administrative penalty, where the offence committed represented a minor infraction of professional responsibilities that could not be characterized as a criminal matter.

(b) The figures under the heading "Disciplinary proceedings" show the number of cases which the Department of Public Prosecution referred to a disciplinary board for the infliction of an administrative penalty against an accused person who had committed a grave infraction of his professional responsibilities that could not be categorized as a criminal offence.

670. The above information illustrates the care which the Department of Public Prosecutions takes, in discharging its judicial responsibilities prescribed by law, to hold to account persons who commit offences and infractions which do not entail the bearing of criminal responsibility, by seeking the imposition of administrative sanctions or disciplinary proceedings in cases involving dereliction of professional responsibilities.

671. The figures in the tables below, provided by the Ministry of the Interior, show the penalties applied and compensation awarded in respect of offences and acts designated as criminal offences under the Covenant.

Table 1

Administrative penalties handed down against officers for the period 1997-2000 alone

Year	No. of officers brought before the criminal courts	No. of officers brought before a police disciplinary board	No. of disciplinary measures handed down against officers
1997	-	6	19
1998	2	2	12
1999	10	4	12
2000	9	14	26

Table 2

672. **Final judgements awarding compensation to the victim (1997-2000)**

Year	No. of compensation awards actually received by citizens
1997	2
1998	4
1999	8
2000	3

Table 3

673. **Civil compensation awarded and actually received in 2000 pursuant to a final judgement of the civil courts**

Serial number	Case number	Plaintiff	Subject of case	Judgement	Date
1	Benha High Court, Case No. 49/1070149	Citizen	Compensation for cruel treatment	LE 10 000	30 July 2000
2	Minya High Court, Case No. 99/2496	Citizen	Compensation for torture	LE 7 000	26 June 2000
3	Ismailia High Court, Case No. 98/121, (Political Case No. 23/709)	Two citizens	Compensation for cruel treatment and assault	LE 2 000 at the first appeal and LE 5 000 at the second	11 April 2000

674. The above figures clearly reflect the care and attention which the Ministry of the Interior devotes to strengthening its policy of safeguarding and protecting human rights and fundamental freedoms, punishing any person who violates the law and legal regulations in any way, and ensuring that legal judgements are enforced.

Minorities

675. In its commentary on article 27 of the Covenant, Egypt explained that the different communities, sectors and groupings of the Egyptian nation are woven together into a single fabric and that all Egyptians enjoy the right to equality before the law stipulated under article 40 of the Constitution, which prohibits all forms of discrimination and distinction between citizens.

The Baha'i faith

676. Freedom of belief is a firmly established constitutional principle in Egypt and a public freedom which enjoys the protection of the Constitution and the law. As already mentioned in our commentary in this report on the final article of the Covenant, the freedom to perform the religious rites of any religion, including recognized religions, is subject to such limitations as are necessary to protect public order and morals, as is recognized in article 18, paragraph 3, of the Covenant.

677. With regard to the questions raised during the distinguished Committee's consideration of Egypt's second periodic report concerning legal proceedings against members of the Baha'i community, it has been argued that Decree Law No. 264 of 1960, concerning the dissolution of Baha'i forums, is unconstitutional. The argument was put forward during a criminal case in which a number of individuals were charged with propagating pro-Baha'i propaganda by

carrying out activities designed to encourage individuals to embrace this faith in contravention of the said Decree Law. The plea was argued before the Supreme Court (later replaced by the Supreme Constitutional Court), which rejected it on the ground that the contested Decree Law did not contest the freedom of the Baha'i faith or detract from it in any way, but merely challenged the Baha'i forums in which members gathered and engaged in activities and performed ceremonies intended to preach their beliefs in a manner inconsistent with public order. Furthermore, the manifestation of any religion, even if it is a recognized religion, is subject to such limitations as are necessary to preserve public order in the country concerned and to guarantee protection of that religion. From a strictly legal point of view, Baha'i forums are private associations that are subject to the law. The Constitution prohibits the establishment of associations, the activities of which are inimical to social security and public order (judgement handed down in Constitutional Case No. 7, judicial year 2 of the Supreme Constitutional Court, session of 1 March 1975).

678. As this information shows, the contested Decree Law does not challenge or infringe the freedom of the Baha'i faith or impose restrictions on the right to adhere thereto. It merely provides that it is unlawful for private associations to hold meetings for the purpose of preaching their beliefs in a manner incompatible with public order in Egypt, such provision being based on the Constitution and the law which regulate this freedom in the framework of the restrictions recognized in article 18, paragraph 3, of the Covenant.

Conclusion

679. Finally, in submitting this substantial report to the distinguished Committee, Egypt reaffirms its continuing willingness to pursue constructive dialogue with the Committee and to respond to any questions which its experts may have. It also wishes the distinguished Committee every success in pursuing its lofty mission on behalf of all mankind.